

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA, *et al., ex rel.*
LAURIE SIMPSON,

Plaintiffs/Relator,

v.

BAYER CORPORATION; BAYER
HEALTHCARE PHARMACEUTICALS, INC.;
BAYER HEALTHCARE LLC; and BAYER
AG,

Defendants.

HON. JOHN MICHAEL VAZQUEZ

Civil Action No. 2:05-3895

JOINT STIPULATION OF DISMISSAL WITH PREJUDICE

Pursuant to Fed. R. Civ. P. 41(a)(1)(ii), Relator Laurie Simpson, along with her present counsel Kessler Topaz Meltzer & Check LLP and Carella, Byrne, Cecchi, Brody & Agnello, P.C. (“Relator’s Present Counsel”), and Defendants Bayer Corporation, Bayer HealthCare Pharmaceuticals, Inc., Bayer HealthCare LLC, and Bayer AG (together “Bayer”), jointly file this Stipulation of Dismissal of all remaining claims of Relator’s Present Counsel for attorneys’ fees, expenses, and costs pursuant to 31 U.S.C. §§ 3730(d), (h)(2) and analogous provisions of applicable state law (“Attorneys’ Fees Claims”) as follows:

WHEREAS, on September 2, 2022, Relator, Bayer, and the United States entered into a Settlement Agreement to resolve Relator’s claims for the Covered Conduct (as defined in the Settlement Agreement) in this False Claims Act (“FCA”) action between the United States, Bayer, and Relator, except for Attorneys’ Fees Claims.

WHEREAS, on December 14, 2022, the Court dismissed Relator's claims for the Covered Conduct with prejudice to Relator, the United States and the Medicaid Participating States, but reserved Attorneys' Fees Claims. (ECF No. 402).

WHEREAS, on January 6, 2023, Relator's Present Counsel filed a motion for attorneys' fees, expenses, and costs pursuant to 31 U.S.C. §§ 3730(d), (h)(2) and analogous provisions of applicable state law. (ECF No. 409).

WHEREAS on January 6, 2023 and January 13, 2023, other law firms who served as Relator's previous counsel in this action also filed motions for attorneys' fees, expenses, and costs pursuant to 31 U.S.C. §§ 3730(d), (h)(2) and analogous provisions of applicable state law which, with the exception of the motions of the Estate of Robert W. Sadowski and G.C. Robinson Law PLLC (ECF Nos. 410, 411), are still pending before the Court. (ECF Nos. 414, and 420).

WHEREAS, the Attorneys' Fees Claims of the Estate of Robert W. Sadowski (ECF No. 410) have been resolved pursuant to the terms of a settlement agreement and a Joint Stipulation of Dismissal was filed on August 3, 2023 (ECF No. 438).

WHEREAS, the Attorneys' Fees Claims of G.C. Robinson Law PLLC (ECF No. 411) have been resolved pursuant to the terms of a settlement agreement and a Joint Stipulation of Dismissal is forthcoming.

WHEREAS, the Attorneys' Fees Claims of Relator's Present Counsel (ECF No 409) have been resolved pursuant to the terms of a settlement agreement.

IT IS THEREFORE STIPULATED AND AGREED TO, that the Attorneys' Fees Claims of Relator's Present Counsel are dismissed with prejudice. This dismissal shall not apply to Attorneys' Fees Claims of Relator's former counsel, which remain pending for decision by the Court. (ECF Nos. 414, and 420).

Dated: August 8, 2023

s/ David Bocian
David Bocian
Kessler Topaz Meltzer Check LLP
Counsel for Relator Laurie Simpson

Dated: August 8, 2023

s/ Lawrence S. Lustberg
Lawrence S. Lustberg
*Attorneys for Bayer Corporation,
Bayer HealthCare Pharmaceuticals, Inc.,
Bayer HealthCare LLC, and Bayer AG*

CERTIFICATE OF SERVICE

I hereby certify that on August 8, 2023, the foregoing document was filed electronically with the Clerk of the Court using CM/ECF and was served this day on all counsel of record via transmission of Notices of Electronic Filing generated by CM/ECF.

Dated: August 8, 2023

s/ Lawrence S. Lustberg
Lawrence S. Lustberg